

(4) Cut bacteriophage has a longer half-life in [an animal's] a human's circulatory system than a wild-type phage of the same strain.

REMARKS

The above amendments to the claims have been made to put the application in better condition for examination.

In the parent application, claims 31-33 and 35-40 were rejected under the judicially created doctrine of obviousness type double patenting as unpatentable over copending application no. 08/811,344. Copending application no. 08/811,344 is directed to the genetic engineering embodiment. The genetic engineering embodiment was restricted from the serial passage embodiment of the present application in the originally filed application and thus applicants respectfully contend that this rejection is improper and request that it be withdrawn.

Claim 40 was rejected under the judicially created doctrine of obviousness type double patenting over U.S. Patent No. 5,688,501 in the parent application. Claim 40 is directed to the use of an antibiotic in combination with the modified phage. This embodiment was also restricted from the serial passage embodiment in the originally filed application and thus applicants contend that this rejection is improper and request that it be withdrawn.

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Respectfully submitted,
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